IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 17812 of 2004

Between:

1. Bukke Mange Naik, S/o. Amrenaik, Hindu,
   Scheduled Tribe, Aged about 40 years, Agriculture,

R/o. Burujupalli Thanda, Burujupalli Post,
Mundlapadu Mazara, Giddaluru Mandal, Prakasam District.

2. Bukke Kishore, S/o. Bukke Mange Naik, aged about 19 years,
   B.Tech. 1st Year, (Electronics & Communication Engg.)

Chaitanyabharathi Institute of Technology, Gandipet,

Hyderabad District.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, rep. by its Secretary,
   Tribal Welfare Department, Secretariat Buildings, Hyderabad.
2. The Collector and District Magistrate, Prakasam District,

Ongole.

3. The District Level Scrutiny Committee for Regulation of issue of

Community Certificates, rep. by its Chairman and Joint

Collector, Ongole, Prakasam District.

4. The Convener, EAMCET-2003 Admissions, B.R.K.R. Bhavan,

Tank Bund Road, Hyderabad.
5. The Osmania University, rep. by its Registrar, Hyderabad.
6. The Chitanyabharathi Institute of Technology, Gandipet,

Hyderabad, rep. by its Principal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent issued in Memo No.3708/CV-2/2004-2 dt. 7-9-2004 in refusing to grant stay of the proceedings of the 2nd respondent issued in Rc.No.C4/16/2004 dated 24-3-2004 during the pendency of the appeal before the 1st respondent preferred by the petitioners as illegal, arbitrary, violative of principles of natural justice and without consideration of balance convenience and consequently suspend the proceedings of the 1st respondent issued in Memo No. 3708/CV-2/2004-2 dated 7-9-2004 and also the proceedings of the 2nd respondent issued in Rc. NO. C4/16/2004 dt. 24-3-2004 during the pendency of the appeal before the 1st respondent preferred by the petitioners by directing the respondents to permit the 2nd petitioners to prosecute his studies in B.E (ECE) in the 6th respondent college.

Counsel for the Petitioners: MR.M.SUBBA REDDY

Counsel for the Respondent Nos.1 to 3 : GP FOR SOCIAL WELFARE

Counsel for the Respondent No.5: Mr. DEEPAK BHATTACHARJEE

Counsel for the Respondent Nos.4 & 6 : None appeared.

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 17812 of 2004

ORDER:

The petitioners have availed an alternative remedy of appeal against the impugned proceedings before the first respondent and it is pending adjudication. During the pendency of the appeal, the petitioners cannot run the parallel proceedings through this writ petition. The writ petition cannot be maintained.

2. The Writ Petition is accordingly dismissed. No costs.

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Dr.G.YETHIRAJULU, J

Date: 1st October, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Government of Andhra Pradesh,
   Tribal Welfare Department, Secretariat Buildings, Hyderabad.
2. The Collector and District Magistrate, Prakasam District,

Ongole.
3. The Chairman and Joint Collector, District Level Scrutiny

Committee for Regulation of issue of Community Certificates,

Ongole, Prakasam District.
4. The Convener, EAMCET-2003 Admissions, B.R.K.R. Bhavan,

Tank Bund Road, Hyderabad.
5. The Registrar, Osmania University, Hyderabad.
6. The Principal, Chitanyabharathi Institute of Technology,

Gandipet, Hyderabad.

7. Two C.Cs. to the Government Pleader for Social Welfare, High

Court Buildings, Hyderabad. (O.U.T.)

8. Two C. D. copies.